

ANITA MIRALLE  
JODII LE' GRAND EVERETT I  
TINA SCOTT  
AIYAHNNA JOHNSON  
LUCAS D. BROWN  
IRVIN JOSUE HERNANDEZ ORTEGA  
4799 Shattuck Avenue  
Oakland, CA 94609  
Telephone: (510) 355-7010  
E-mail: maowunyo@gmail.com

In Pro Per

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

ANITA MIRALLE, JODII LE' GRAND  
EVERETT I, TINA SCOTT, AIYAHNNA  
JOHNSON, LUCAS D. BROWN, IRVIN  
JOSUE HERNANDEZ ORTEGA,

Plaintiffs,

v.

THE CITY OF OAKLAND, a subdivision of  
the State of California, LIBBY SCHAAF,  
JOE DEVRIES, and DOES 1 - 10,

Defendants.

NO. C18-0823 HSG

**DECLARATION OF ANITA MIRALLE  
IN SUPPORT OF PLAINTIFFS'  
MOTION FOR TEMPORARY  
RESTRAINING ORDER (TRO) AND  
PRELIMINARY INJUNCTION**

DATE: NOVEMBER 13, 2018  
TIME: 2:00 P.M.  
DEPT: 2, 4<sup>TH</sup> FLOOR

I, ANITA MIRALLE, hereby declare:

1. I make this Declaration on personal knowledge in support of Plaintiffs' Motion for a Temporary Restraining Order and Preliminary Injunction to protect me from harassment and unconstitutional conduct by Defendants City of Oakland, Libby Schaaf and Joseph DeVries.

2. I am currently homeless and living in Oakland, California. I have lived in Oakland since 1992. From the spring of 2014 to March 2018, I was living in a flooded basement that was not a legal rental unit. Since then, except for two months in a shelter in San Leandro for women and children, I have been homeless in Oakland.

1           3.       Since October 27, 2018, I have been living in the Housing & Dignity Village,  
2 located at 606 Clara Street and 9418 Edes Avenue, Oakland, California 94603. This  
3 encampment is located on a piece of land belonging to the City of Oakland. It is an intentional  
4 clean and sober community for homeless women, homeless families and homeless male support.

5           4.       On November 7, 2018, the City of Oakland Police posted a "Notice to Vacate  
6 Illegal Encampment" on the fence surrounding the property. The Notice stated that all persons  
7 are "directed to vacate this site and remove any personal belongings." It states that the Public  
8 Works Department would clear and close this site on Saturday, November 10, 2018, starting at  
9 8:00 a.m. (A true and correct copy of the Notice is attached hereto as Exhibit A.)

10          5.       On the bottom of the Notice it states "if you have any questions or concerns  
11 please call 510-882-7941 or 1-800-686-9036."

12          6.       I asked the police officers who posted the notice where I could find a place to stay  
13 or who to contact if I was not able to stay here as an alternative. The lieutenant who posted the  
14 notice told us that he was instructed to tell us that there were beds for us at St. Vincent DePaul.  
15 Then he told us to call the numbers on the bottom of the notice.

16          7.       On November 10, 2018, at approximately 10:00 a.m., I called 510-882-7941. I  
17 did not reach a live person. The message said that I had reached Operation Dignity and the voice  
18 mailbox was full. I was not able to leave a message.

19          8.       Immediately, I next called 1-800-686-9036. The message stated that this number  
20 is not in service.

21          9.       Within that same hour, at approximately 10:15 a.m., I also called a number for St.  
22 Vincent de Paul. I was told there were no beds available at that time and I should call back at  
23 4:30 pm. I was also told they do not take pets. I have three cats. When I called back at 4:33 pm,  
24 I got a voicemail saying that no one was available to take the call. I also called the Center for  
25 Women and Children. They said they had no beds available and didn't take pets. I then called  
26 211, a hotline for unsheltered people through Alameda County. I was informed that there are no  
27 shelter beds available anywhere in Alameda County.  
28



10. I do not have another place to live outside of the Housing & Dignity Village. On October 29, 2018, I received e-mail correspondence from Defendant Devries accusing the Village residents of engaging in illegal actions, including trespassing. (A true and correct copy of this e-mail from Defendant DeVries is attached hereto as Exhibit B.) On October 30, 2018, I had a conference call with defendant Joe DeVries and Candice Elder, the Executive Director of the East Oakland Collective. In that conversation he accused the residents of the Village of entering the property illegally. He also said that what we were doing was "an act of rebellion." He asked us if we would cease constructing shelters on the property until there been a community meeting about our presence. The residents agreed to that.

11. On November 6, 2018 at 12:19 pm, I received another e-mail from Defendant DeVries stating that the council member for the district in which the Housing & Dignity Village is located is "not interested in conducting a community meeting to discuss uses of the property until it was vacated." He stated, "I am reminding you that the use of the site is considered trespassing and advise you to cease the activity." (A true and correct copy of this e-mail from Defendant DeVries is attached hereto as Exhibit C.)

I declare under penalty of perjury under the laws of the State of California and the United States that the foregoing is true and correct. If called as a witness, I could and would testify competently to the matters stated in this Declaration.

Executed in Oakland, California on November 11, 2018.

  
ANITA MIRALLE, Declarant



# NOTICE TO VACATE ILLEGAL ENCAMPMENT

DATE OF POSTING: 11/ 07 /2018

LOCATION: 606 Clara St/ 9418 Edes Ave

THE CITY HAS DEEMED THIS SITE UNINHABITABLE AND ALL PERSONS  
ARE DIRECTED TO VACATE THIS SITE AND REMOVE ANY PERSONAL  
BELONGINGS.

PUBLIC WORKS DEPARTMENT WILL BE OUT TO CLEAR AND CLOSE  
THIS SITE

ON: Saturday  
DATE: 11/10 /2018

PUBLIC WORKS CREWS WILL ARRIVE TO CLOSE THIS ENCAMPMENT  
BETWEEN THE HOURS OF 8 AM AND 4 PM ON THE DATE SPECIFIED  
ABOVE, OR ON THE NEXT BUSINESS DAY.

ANY PROPERTY LEFT AT THIS SITE AT THE TIME OF CLEANUP WILL  
BE REMOVED FROM THE SITE AND STORED BY PUBLIC WORKS.  
PROPERTY THAT IS UNSAFE OR HAZARDOUS TO STORE WILL BE  
IMMEDIATELY DISCARDED.

IF YOU HAVE ANY QUESTIONS AND/OR CONCERNS PLEASE CALL  
510-882-7941 or 1-800-686-9036

**EXHIBIT A**





Pamela Price &lt;pamela@pypesq.com&gt;

**Fwd: Use of property at 9418 Edes Avenue**

1 message

anita de asis &lt;maowunyo@gmail.com&gt;

Sat, Nov 10, 2018 at 1:53 PM

To: Osha Neumann &lt;oshaneumann@gmail.com&gt;, pamela@pypesq.com

Cc: calibeelady@gmail.com

----- Forwarded message -----

From: "DeVries, Joe" &lt;JDeVries@oaklandca.gov&gt;

Date: Oct 29, 2018 2:13 PM

Subject: Use of property at 9418 Edes Avenue

To: "Candice Elder" &lt;candice@eastoaklandcollective.com&gt;, "maowunyo@gmail.com" &lt;maowunyo@gmail.com&gt;

Cc: "Landreth, Sabrina" &lt;SLandreth@oaklandca.gov&gt;, "Smith, Maraskeshia" &lt;MSmith2@oaklandca.gov&gt;

Candice and Needa,

Based on reports I am receiving from multiple sources and a glance at the Village Facebook page, it appears that your organizations have decided to illegally enter the city owned property at 9418 Edes Avenue to establish a homeless encampment at this location. I am compelled to put you on notice that this is trespassing and that you should cease any further expansion of this effort at this time. I have tried to reach Needa today to gather more information via phone and email to no avail and look forward to the opportunity to discuss the situation.

I want to note that this parcel was one of many that the Homeless Advocacy Working Group asked the City to assess for its potential use as a managed homeless encampment or Community Cabin site and that assessment determined that the site is not located ideally for such a use; in particular due to its close proximity to residential units, the East Oakland Senior Center, the Brookfield Library, and Brookfield Elementary School.

I find the timing of this action especially concerning due to the fact that staff is recommending to the City Council that we provide the Miller Avenue Library Site as a location for a managed encampment run by the Village at tomorrow evening's City Council Meeting. Needa, you and I exchanged text messages as recently as Friday in which you indicated excitement about partnering with the City and Lao Family Community Development Inc. to run the site at the old Miller Library. Taking an illegal action to break a lock and enter a separate city property that has already been determined unsuitable for this use undermines the process of working in partnership and raises significant questions for the City about whether we can work together.

Please contact me at your earliest convenience to discuss this matter.

Respectfully,

Joe DeVries

Assistant to the City Administrator

City of Oakland

1 Frank Ogawa Plaza, 11th floor

Oakland, CA 94612

(510) 238-3083

jdevries@oaklandnet.com&lt;mailto:jdevries@oaklandnet.com&gt;

 winmail.dat  
19K**EXHIBIT B**

Pamela Price <pamela@pypesq.com>

Fwd: RE: sorry my phone died

1 message

anita de asis <maowunyo@gmail.com>

Sat, Nov 10, 2018 at 1:55 PM

To: Osha Neumann <[oshaneumann@gmail.com](mailto:oshaneumann@gmail.com)>, [pamela@pypesq.com](mailto:pamela@pypesq.com)

Cc: calibeelady@gmail.com

----- Forwarded message -----

From: "DeVries, Joe" <JDeVries@oaklandca.gov>

Date: Nov 6, 2018 12:19 PM

Subject: RE: sorry my phone died

To: "anita de asis" <maowunyo@gmail.com>

Cc:

Needa,

Yes, I called because I wanted to discuss the Edes Avenue situation. CM Reid's office continues to receive complaints and they are not interested in conducting a community meeting to discuss uses of the parcel until it is vacated. Since we are trying to determine how to work together on the Miller Avenue Site, it seems counter-productive to be at cross purposes on Edes Avenue. I am again reminding you that the use of this site is considered trespassing and advising you to cease the activity.

Thanks,

Joe DeVries

Assistant to the City Administrator

City of Oakland

1 Frank Ogawa Plaza, 11<sup>th</sup> floor

Oakland, CA 94612

(510) 238-3083

jdevries@oaklandnet.com

**From:** anita de asis [mailto:maowunyo@gmail.com]

Sent: Tuesday, November 6, 2018 12:15 PM

**To:** DeVries, Joe <JDeVries@oaklandca.gov>; DeVries, Joe <JDeVries@oaklandca.gov>

**Subject:** sorry my phone died

I dont have my charger with me either. could you communicate with me on here?

## EXHIBIT C

Anita De Asis Miralle

aka Needa Bee aka The Lumpia Lady

Program Director, Meiklejohn Civil Liberties Institute

Co-Founder and Lead Organizer of Feed The People & The Village

Mentor of Young Oakland

Chef & Owner of The Lumpia Lady & The Lumpia Shack

check out these links to learn more about the work of Feed the People & The Village:

[http://media.journalism.berkeley.edu/projects/2017/20171215\\_homelessness/](http://media.journalism.berkeley.edu/projects/2017/20171215_homelessness/)

<https://vimeo.com/247388768>

check out the Meiklejohn Civil Liberties Institute Website to learn more about our work:

<http://www.mclihumanrights.org>



**PROOF OF SERVICE**

I am employed in the county of Los Angeles, State of California. I am over the age of 18 and not a party to the within action; my business address is 128 N. Fair Oaks Avenue, Pasadena, California 91103.

On November 12, 2018, I served the foregoing document described as: **DECLARATION OF ANITA MIRALLE IN SUPPORT OF PLAINTIFFS' MOTION FOR TEMPORARY RESTRAINING ORDER (TRO) AND PRELIMINARY INJUNCTION** on the interested parties in this cause as follows:


LaTonda Simmons City Clerk 1 Frank H Ogawa Plaza 1st and 2nd Floors Oakland, CA 94612 Email: cityclerk@oaklandca.gov	<b>Defendant</b>
Libby Schaaf Email: LSchaaf@oaklandnet.com	<b>Defendant</b>
Joe DeVries Email: jdevries@oaknet.com	<b>Defendant</b>

**XX BY EMAIL**

XX I served the above-mentioned document electronically on the parties listed at the e-mail addresses on the next page and, to the best of my knowledge, the transmission was complete and without error in that I did not receive an electronic notification to the contrary.

Executed on November 12, 2018, at Pasadena, California.

**XX** (Federal) I declare that I am employed in the office of a member of the bar of this Court at whose direction the serve was made.

  
Mitzi Mendoza  
Declarant